

**MINUTES OF THE REGULAR PLANNING BOARD MEETING
MONDAY, JUNE 8, 2009
COUNCIL CHAMBERS, CITY HALL
2263 SANTA CLARA AVENUE – 7:00 PM**

President Kohlstrand called the meeting to order at 7:03 p.m.

FLAG SALUTE: Board Member Cunningham

ROLL CALL:
PRESENT: President Kohlstrand, Board members Cook, Cunningham and McNamara were present upon roll call.

ABSENT: Vice-President Ezzy Ashcraft, Board members Autorino and Lynch.

STAFF PRESENT: Jon Biggs, Planning Services Manager/Secretary to the Planning Board; Simone Wolter, Planner; Nancy McPeak, Executive Assistant/Recording Secretary

MINUTES:
Minutes from the meeting of March 9, 2009. **Motion to Continue due to lack of quorum 4-0.**
Minutes from the meeting of March 23, 2009 (pending)
Minutes from the meeting of April 27, 2009 (pending)
Minutes from the meeting of May 11, 2009 (pending)

5. AGENDA CHANGES AND DISCUSSION:

None

6. STAFF COMMUNICATIONS:

Written Report

6-A. Future Agendas- Staff presented the report.

6-B Zoning Administrator Report – The Zoning Administrator approved a Use Permit to legalize a legal-nonconforming use and allow outdoor seating at 1515 Park Street on May 19, 2009 and a Use Permit at 1216 Bay Street for a Second Unit on June 2, 2009.

7. ORAL COMMUNICATIONS:

* Anyone may address the Board on a topic not on the agenda under this item by submitting a speaker's information slip, subject to the 5-minute time limit.

None.

None from the public.

President Kohlstrand presented a proclamation honoring Board member McNamara's tenure as a Planning Board member and her dedication and distinction in serving the City of Alameda.

8. CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted, approved or adopted by one motion unless a request for removal for discussion or explanation is received from the Planning Board or a member of the public by submitting a speaker slip for that item.

None.

9. REGULAR AGENDA ITEMS:

- 9-A Rezoning - PLN09-0108 - 1 Singleton Avenue - Applicant: City of Alameda.** A rezoning of a 4.7 acre property from M-2-PD, General Industrial (Manufacturing) Planned Development District to R-4, Neighborhood Residential District to conform with the General Plan designation.

Staff presented the report and a powerpoint presentation.

President Kohlstrand opened and closed the public comment period as there were no public speaker slips.

Board member Cunningham asked why the subject property was placed on the suitable land inventory list. Staff responded it was unaware how the list was developed in 2003, but that this particular site had been carried over from the last Housing Element to the present Draft Housing Element.

Board member Cunningham motioned to approve/ seconded by Board member McNamara. Motion approved 4-0-3. (4 approved – 0 nays – 3 absent)

9-B Use Permit - PLN08-0479 - 1051 Pacific Marina – Applicant: Charlie Zawde.

The applicant requests approval of a Use Permit to operate the property as a banquet and catering facility with the proposed business hours of 9 a.m. - 10 p.m. Sunday through Thursday and 9 a.m. - 11:30 p.m. Friday and Saturday.

Staff presented the project.

Board member Cook requested clarification on when the deck and seating area facing the residential area was approved. She also asked if the parking study had been evaluated by an independent party.

Board member Cunningham requested clarification on the proposed hours of operation.

President Kohlstrand opened the public comment portion.

T. Sullivan, attorney for Point Marina Vista, explained that the applicant has considered the neighbors' concerns and explained how the applicant proposes to address the concerns hours of operation, noise, and safety. He voiced concerns regarding some of the conditions proposed in the resolution, as they significantly inhibit the operation of the business and attainment of the applicable zoning.

President Kohlstrand requested clarification on the type of events that would be hosted at the location.

T. Sullivan explained that the applicant anticipates wedding receptions, corporate retreats, charitable events, and auctions and further clarified that no ticketed events would be held here.

Board member Cook asked where the valet service would be located and what use the entire facility upgrades had anticipated. Mr. Sullivan explained that the valet service would be located within one of the four lots and that the upgrades were geared towards this use.

C. Abrams, traffic consultant to the applicant, explained that he conducted a traffic study in 2003 for the proposed change in use from restaurant to office and then continued to explain the parking study submitted for this proposal.

B. Warner, financial consultant to the owner, supports the project. He pointed out that the current owner has invested a significant amount of money to upgrade the facility in keeping with its original use. He urged the Planning Board to approve the project, as he believes this project is a cultural, financial, and entertainment asset to the neighborhood.

L. Cardoza, Vice Commodore of Oakland Yacht Club, on behalf of the Oakland Yacht Club board of directors and members, requests that the Planning Board deny the Use Permit, due to the increase in traffic and noise impacts on the neighborhood, as well as the lack of parking capacity in the joint use parking lots.

M. Hershey, resident at Oakland Yacht Club, raised his concerns about the difficulty of enforcing the hours of operation, parking, noise and safety.

N. Shemick, resident of Marina Village, raised her concerns about noise from the use itself, but also from the coming and going of visitors, which would impact adjacent residents. She also spoke about the proximity of the estuary which allows noise to travel a long distance. She questioned the ability of Marina Point Vista management to operate a business of this magnitude.

J. Schulze, President of the Marina Village Home Owner's Association (HOA), spoke on behalf of the HOA requesting a denial of the Use Permit. She spoke to the impact of noise on the community, deterioration of future property values, no need for a new

banquet facilities within Alameda, and stated that the change of use from a restaurant to a banquet facility is not what the master plan intended.

R. Humphrey, resident at the Yacht Club, commented on the intensification of use when compared to the previously approved restaurant use. He is concerned that the parking area would be not be able to accommodate the different uses, especially during the yacht racing season, at which time the number of yacht visitors significantly increase.

T. Charron resident at Marina Village, is concerned about the accuracy of the parking study, as this study counted private parking spaces as available and incorrectly concluded that parking would be improved, when parking would be negatively impacted. He also submitted a petition against the proposed uses, recommending that the Use Permit be denied, and only a restaurant, office, or potentially condo uses be approved.

S. Meckfessel, resident of Alameda, questions the accuracy of the parking study. Speaking as a representative for the property owners of the parking lot, he stated that the owners were not consulted or approached about the joint use that would intensify as a result of the proposed use. An intensification would result in increased insurance, maintenance, and security costs, which the owners find to be unfair and unreasonable. Therefore, the owners object to the change in use.

R. Johnson, yacht owner, objects to the proposed use, as it would detrimentally change the residential, family-oriented environment.

M. Isaacson, boat resident, opposes the proposed use as an event venue as it will increase noise and attract public drunkenness. In addition, an increase of visitors to the proposed use would make parking for visitors to the marinas unavailable.

D. Carroll, resident at Marina Village, the proposed use would disrupt the residential neighborhood feel with nighttime activity making it an undesirable place to live.

R. Menace, Marina Views Towers Apartment Complex Manager, is opposed to the proposed use. She is concerned that the proposed use would increase noise and reduce parking availability; thus, negatively impacting the residents of the complex. Further, she is concerned that the management of the proposed use would not be able to properly manage visitors' parking in the proper locations.

R. Stark, Member of the Board of Director of the Oakland Yacht Club, opposes the proposed use due to the increase of public drunkenness, security concerns, and noise disturbances in the night.

B. Paulson, Marina resident, opposes the proposed use due to the likely increase of property damage to vehicles associated with loitering of guests or others attracted to this area and is concerned about the poor acoustic insulation of the building if music is played, which will impact the neighbors.

President Kohlstrand closed the public comment period.

Board member McNamara would like staff to address the ownership constraints of the parking lot, provide a list of activities, including code enforcement and building permits, that have occurred since the current owner took ownership of the building, clarification of whether alcohol licenses have been issued for the facility and the two Marinas.

Staff explained that some code enforcement activities had been initiated for some unpermitted building activity, including the initial commencement of the proposed use. Staff does not know what events or alcohol licenses have been approved for the Marinas.

Board member Cook asked whether the previous restaurant use had restrictions on the hours of operation, whether the proposed use had been reviewed by the Police Department, and the management team's experience with operating an event center.

Staff responded that there were no restrictions for the previous use based on the review of available property records. The project was routed to the Police Department, who did not make any special conditions. Staff referred to the applicant to discuss their experience with this kind of business.

Board member Cunningham requested that the applicant provide more supporting information to prove that the proposed use would be a suitable neighbor for this residential area. He also explained to the general public attending the meeting, that in the past the Planning Board has approved uses with conditions of approval and subsequent reviews before the Planning Board to ensure that the use is compliant with the approvals. This mechanism ensures that operators generally abide by the approvals. He cited projects where these self-policing mechanisms worked well.

Board member Cook is concerned about the scale of the operation and that the Planning Board may have to place so many conditions of approval on this project, to ensure its compatibility with the neighborhood, that it may render the business non-viable. At a minimum, she recommended valet parking to ensure parking enforcement and a continued Planning Board review every six months to ensure compliance with the conditions.

President Kohlstrand seconds the concerns raised by other board members and is empathetic to the neighborhoods' comments. She stated that more information is needed to assess the scale of operations and she would like to see the parking study revised to understand the parking lot ownership, see peak uses on weekdays as well as on weekends. The project also requires some further investigation for the impacts due to noise and security. In addition, there needs to be a detailed list of proposed events and explanation to the extent of the use of the outdoors.

Board member McNamara requested that the conditions of approval include those self-imposed limitations listed by the property owner in the statement of intent. She would like to see the list of conditions or self-imposed limitations by the two yacht clubs, to ensure equity between the proposed use and the existing uses.

President Kohlstrand stated that the Planning Board is not positioned to make a decision on the project until further information is submitted and there is more coordination between the applicant and the other property owners and neighbors surrounding the project location.

The project was moved by Board member Cunningham and seconded by Board member Cook to continue the item to the Planning Board meeting of July 27, 2009. Motion approved 4-0-3.

10. WRITTEN COMMUNICATIONS:

None.

11. BOARD COMMUNICATIONS:

Board members may ask a question for clarification, make a brief announcement or make a brief report on his or her activities. In addition, the Board may provide a referral to staff or other resources for factual information, request staff to report back to the body at a subsequent meeting concerning a City matter or, through the chair, direct staff to place a request to agendize a matter of business on a future agenda.

Board member Cunningham asked whether the Planning and Building Department had received any further information on the reorganization of the department.

Staff explained that Assistant City Manager David Brandt will lead as the Department Director. Jon Biggs and Andrew Thomas, Planning Services Managers, and Greg McFann, Building Official, are tasked with leading the day-to-day operations of the Planning division, and Building division respectively. Staff stated that maintaining the high level of service will be a challenge, but that staff is motivated to ensure services are continued.

12. ADJOURNMENT: 9:17 p.m.

Respectfully submitted,

Jon Biggs, Secretary
Planning Board

This meeting was audio and video taped.